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S&H Form: (2/01)
Docket No.: 1071.1046D

2008 JUL 22 PM 4:57

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tadayoshi KONO et al.

Serial No. 10/614,054

Group Art Unit: 2621

Confirmation No. 7507

Filed: July 8, 2003

Examiner: Gims S. PHILIPPE

For: MPEG VIDEO DECODER AND MPEG VIDEO DECODING METHOD

REQUEST FOR REFUND TO DEPOSIT ACCOUNT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.26 and 1.28, Applicants request a refund of the Three Month Extension of Time Fee (\$1020.00) which was charged to Deposit Account 19-3935 on the July 7, 2007 Deposit Account Statement. However, the charge contradicts the records of the undersigned.

On January 5, 2007, the Patent Office issued a "defective" First Office Action. On April 5, 2007 the undersigned filed a Request for Corrected Office Action (copy attached). The Patent Office labeled the Request for Corrected Office Action as a "Miscellaneous Incoming Letter.

On July 5, 2007, the undersigned filed a Response to Non-Final Office Action (copy attached) again pointing out that the April 5, 2007 Request for Corrected Office Action was the response to the Office Action and no fees were due.


On October 2, 2007, the Patent Office issued a new Office Action. On page 2 of the October 2, 2007 Office Action the Examiner states that "This office action in response to Applicant's request for Corrected Office Action received on April 5, 2007." Therefore, the response was timely filed on April 5, 2007 and a third-month extension fee was not due on July 5, 2007.

The patent office is respectfully requested to refund the charge or to explain why the charge is legitimate. The charge should be refunded to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 17, 2008

By: 
Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

Please Date Stamp and return

COPY

REQUEST FOR CORRECTED OFFICE ACTION
(APPLICATION TRANSMITTAL DATED 7-8-03 & RESTRICTION REQUIREMENT DATED 2-5-02)

APPLICANT(S): Tadayoshi KONO et al.

SERIAL NO: 10/614,054

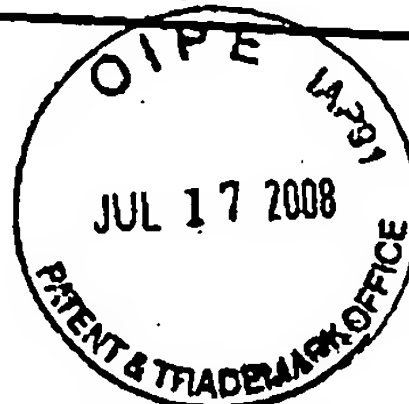
CONFIRMATION NO. 7507

TITLE: MPEG VIDEO DECODER AND MPEG VIDEO DECODING METHOD

FILING DATE: July 8, 2003

DOCKET NO: 1071.1046D/MJH:tlh

DUE DATE: N/A



①



COPY

Docket No.: 1071.1046D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tadayoshi KONO et al.

Serial No. 10/614,054

Group Art Unit: 2613

Confirmation No. 7507

Filed: July 8, 2003

Examiner: To be assigned

For: MPEG VIDEO DECODER AND MPEG VIDEO DECODING METHOD

REQUEST FOR CORRECTED OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In an Office Action dated January 5, 2007, the Examiner raised a plurality of rejections for claims 1-23. However, claims 1-8, 21, and 22 were cancelled in the new application transmittal dated July 8, 2003. A copy of the transmittal is enclosed herewith. Also enclosed is a Restriction Requirement dated February 5, 2002 where the Examiner refers to patentably distinct inventions.

Applicants are unable to address at least some of the rejections because they incorrectly refer to cancelled claims. The Examiner is requested to issue a Corrected Office Action so that Applicants may properly respond.

If there are any questions regarding this request, such questions can be addressed by telephone to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 5 2007

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005

21. CONTINUING APPLICATION, check appropriate box and supply the requisite information below:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/372,039.

Prior application information: Examiner: Charles E. Parsons
Group/Art Unit: 2613


Preliminary Amendment:

- ☒ Cancel in this application original claims 1-8 and 21-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ Amend the specification by inserting before the first line the sentence:--This application is a divisional of application number 09/372,039, filed August 11, 1999, now allowed.--

22. NEW CORRESPONDENCE ADDRESS CUSTOMER NO. 21,171**21171**

PATENT TRADEMARK OFFICE

23. SIGNATURE OF ATTORNEY OR AGENT

NAME	Matthew Q. Ammon	REGISTRATION NO.	50,346
SIGNATURE		DATE	7-8-2003

JDH



UNITED STATES PATENT AND TRADEMARK OFFICE

Restriction Resp. due 3-5-02

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,039	08/11/1999	TADAYOSHI KONO	1071.1046/JD	9965

21171 7590 02/05/2002

STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001



EXAMINER

PARSONS, CHARLES E

ART UNIT PAPER NUMBER

2613

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

FEB 08 2002

Office Action Summary

Application No.

09/372,039

Applicant(s)

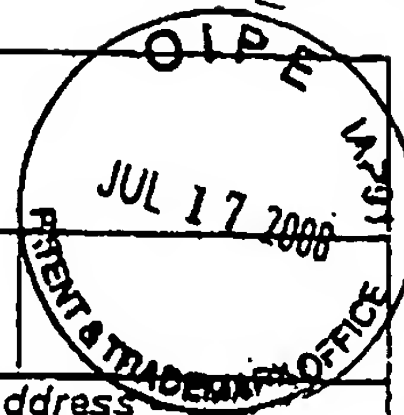
KONO ET AL.

Examiner

Charles E Parsons

Art Unit

2513



- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notices of References Cited (PTO-392) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notices of Draftsperson's Patent Drawing Review (PTO-343) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Claims 1-23 show 2 embodiments as illustrated in figures 11 and 15.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 4:30PM Fri 7AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone numbers for the organization where this

Application/Control Number: 09/372,039

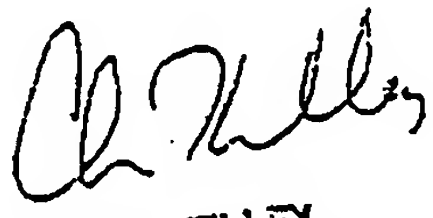
Page 3

Art Unit: 2613

application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

cep
February 4, 2002


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2613



COPY

Docket No.: 1071.1046D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tadayoshi KONO et al.

Serial No. 10/614,054

Group Art Unit: 2621

Confirmation No. 7507

Filed: July 8, 2003

Examiner: Gim S. Philippe

For: MPEG VIDEO DECODER AND MPEG VIDEO DECODING METHOD

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On April 5, 2007, applicants filed the enclosed documents including a Request for Corrected Office Action, which indicate that the Office Action is defective. These documents were intended to be a response to the Office Action. The Patent Office internal records have labeled the Request for Corrected Office as a "Miscellaneous Incoming Letter." This label is somewhat misleading. This April 5, 2007 Request for Corrected Office Action should serve as a response to the Office Action.

Because the Request for Corrected Office Action was filed within this shortened statutory period, it is submitted that no fee is necessary. However, any fee that is deemed necessary should be charged to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 3 2007

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on July 5, 2007, 20
By: Quana F. Heil
STAAS & HALSEY
Date: July 5, 2007

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 07/19/2007

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01 FC:1253 1020.00 CR